

REMARKS

Reconsideration of this Application is respectfully requested. Claims 1-4, 6-7, 21-31 and 34-42 are pending in the application, with claims 1, 21 and 29 being the independent claims. Based on the following Remarks, the Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections.

Interview Summary

The undersigned appreciated the Examiners' time and attention during the interview conducted on Thursday, May 29, 2008. During the interview, the Rule 105 Requirement was discussed and clarified with respect to the Description of the Related Art section of the specification. During the interview, independent claim 21 was discussed with respect to the cited art. Claims 1, 6, 7 and 20 were also discussed with respect to "means for" language under 35 U.S.C. §112, sixth paragraph.

Rule 105 Requirement

As discussed during the interview, the Rule 105 Requirement was clarified to request that the Applicants review previously-submitted information disclosure statements (IDSs) with respect to possible typographical errors. In response to this request, the Applicants have identified typographical errors in certain patent numbers listed in a previously-submitted PTO Form 1449. The specification has been amended to correct an incorrect digit for each of these patent numbers so that the corrected patent number corresponds to the inventor identified in the originally-filed specification. Accordingly, the Applicants respectfully request the Examiner to indicate that the 105 Requirement has been satisfied.

As also discussed during the interview, the statement "the Examiner questions whether the length of the list is an effort to bury references pertinent to patentability, while still satisfying the duty to disclose" has been withdrawn. The Examiner indicated during the interview that this statement was inapplicable here and inadvertently included

in the original Office Action. Accordingly, the Examiner acknowledged that there has been no “effort to bury references pertinent to patentability.”

Claim Objections

Claim 29 was objected to for informalities. Specifically, claim 29 was objected on the basis that the term “of” should be inserted between the terms “including at least one” and “a biometric information of the user.” Claim 29 has been amended to address this objection. Accordingly, the Applicants request that the objection be withdrawn.

Drawings & Corresponding Structure for Means For Language

Please note that Figure 7 and Figure 8 correspond to Figure 1 and Figure 2, respectively, of provisional application S/N 60/474,750. Also note that the specification as originally-filed incorporated provisional application S/N 60/474,750 by reference in its entirety (see paragraph [0001]).

As discussed during the interview, claims 1, 6-7 and 20 include the recitation “means for.” The “means for” recitations in these claims are supported by the specification. For example, claim 1 recites “a means for authenticating,” and the specification discloses as an example a processor (see FIG. 7 and the associated new paragraph inserted after paragraph [0112]). Claim 6 recites “a means for communicating,” a “means for recording” and “means for storing,” and the specification discloses as an example a wireless transceiver, a touch screen and a memory, respectively (see FIG. 7 and the associated new paragraph inserted after paragraph [0112]). Claim 7 recites a “means for receiving,” and the specification discloses as an example a fingerprint sensor (see FIG. 7 and the associated new paragraph inserted after paragraph [0112]).

Rejection Under 35 U.S.C. § 112

Claim 28 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Examiner opined that the term “enrollment authority” had no antecedent basis in the specification. The term “enrollment authority” of claim 28 has

been amended to recite “enrollment station,” which has support found, for example, in one or more of the new paragraph(s) inserted between paragraph [0112] and paragraph [0113] of the specification.

Please note that the first paragraph of the three new paragraphs inserted between paragraph [0112] and paragraph [0113] are based on Figure 1 and Figure 2 of the provisional application S/N 60/474,750. Please also note that the second and third paragraphs of the three new paragraphs inserted between paragraph [0112] and paragraph [0113] are based on lines 11-21, page 25 (labeled as page 11) and lines 9-18, page 77 (labeled as page 15), respectively, of the provisional application S/N 60/474,750.

The Claims are Patentable over the Encryptix Publications

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Encryptix publications, which include: “Airline tickets get a makeover” (the Makeover Publication), “Advisory/Wireless Networks Often Insecure” (the Advisory Publication), “A Hatching Ground” (the Hatching Publication), “Encryptix points to paper future” (the Paper Future Publication) and “Handbook for the Palm III Organizer” (the Handbook Publication). Specifically, independent claim 1 and dependent claims 3 and 4 were rejected as being anticipated by the Makeover Publication. Dependent claims 2, 6, 8 and 9 were rejected based on multiple references. The claims are patentable over these publications for the reasons below.

Unlike independent claim 1, which recites “at least one personal identification device including a means for authenticating the identified individual based on a biometric,” the Makeover Publication fails to disclose or suggest such a personal identification device. More particularly, the Makeover Publication is entirely silent with respect to a personal identification device that includes a means for authenticating the identified individual based on the biometric. Thus, independent claim 1, and its dependent claims, are patentable over the Makeover Publication.

Claims 2-4 and 6-9 depend from independent claim 1. These claims are patentable over their respective cited references listed above at least because independent

claim 1 is patentable over the Makeover Publication. The Advisory Publication, the Hatching Publication, the Paper Future Publication and the Handbook Publication alone or in proper combination fail to remedy the deficiencies of the Makeover Publication. Thus, independent claim 1 and its dependent claims 2-4 and 6-7 are patentable over the cited references listed above. The rejection of claims 8 and 9 is moot in light of the cancellation of these claims.

Applicants note that claims 2, 6, 8 and 9 were rejected under 35 U.S.C. § 102(b) based on a combination of multiple publications. Applicants believe that such a rejection under 102 based on a combination of multiple references is axiomatically improper. Thus, while the Applicants have traversed the claim for other reasons discussed above, the Applicants do not acquiesce to such an improper combination and reserve the right to challenge such a rejection in the future.

The Claims are Patentable over the EyeTicket Publication

Claims 21, 23-26, and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by an EyeTicket publication “Iris scans take off at airports” (the Iris Publication). The claims are patentable over the Iris Publication for the reasons below.

Unlike independent claim 21, which recites “authenticating, at a personal identification device, a biometric input from a user based on a biometric template stored at the personal identification device and associated with the user,” the Iris Publication fails to disclose or suggest such an authentication. More particularly, the Iris Publication is entirely silent with respect to authenticating a biometric input at a personal identification device. Thus, independent claim 21 and its dependent claims 23-26 and 28 are patentable over the Iris Publication.

Claims 22, 27 and 29-37 were rejected under 35 U.S.C. § 103(a) as being obvious in view of EyeTicket. Independent claim 21 is patentable for at least the reasons discussed above. The obviousness statement fails to remedy the deficiencies of the Iris Publication. Thus, claims 22 and 27, which depend from claim 21, are patentable over the Iris Publication.

Unlike independent claim 29, which recites “receiving a request for a travel permission information from a personal identification device associated with a user, the request including at least one of a personal identity credential of the user excluding biometric information or an authentication of the biometric information of the user performed at the personal identification device, the authentication excluding biometric information,” the Iris Publication fails to disclose or suggest such a method. More particularly, the Iris Publication is entirely silent with respect to an authentication of the biometric information of the user performed at the personal identification device. Rather, the Iris Publication discloses a public kiosk, which is not personal identification device. Moreover, the public kiosk sends a biometric to a centralized database where the authentication of biometric information is performed. Thus, independent claim 29 and its dependent claims 30-31 and 34-37 are patentable over the Iris Publication. The rejection of claims 32 and 33 under 35 U.S.C. § 103(a) is moot in light of the cancellation of these claims.

Official Notice, Inherence and Obviousness

Claim 5 was rejected under 35 U.S.C. § 103(a) as being anticipated by the Encryptix publications in view of an Official Notice by the Examiner. The rejection of claim 5 is moot in light of the cancellation of this claim. Accordingly, the Applicants respectfully request that the rejection of claim 5 under 35 U.S.C. § 103(a) be withdrawn. That said, the Applicants do not acquiesce the Official Notice and reserve the right to set forth arguments to overcome the Official Notice.

Claims 1-2, 6-9, 20-22, 25-27, 29 and 37 were rejected based, at least in part, on assertions by the Examiner that the respective claim limitation was necessary for enablement, obvious in view of the cited references and/or inherent in the relevant art. Although some of these claims have been amended for other reasons, the Applicants do not acquiesce these assertions and reserve the right to set forth arguments to overcome these assertions as necessary. These claims are patentable over their respective cited references in spite of these assertions at least because the independent claims are patentable as discussed above.

New Claims 38-42 are patentable

It is respectfully submitted that the dependent claims 38-42 are patentable over the cited references at least because they depend from independent claims 21 or 29, which the Applicants submit are patentable as discussed above. More over, none of the references disclose or suggest an authentication of the biometric information of the user performed at the personal identification device where the personal identification device is portable. The Iris Publication discloses a public kiosk, which is not portable.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this application is respectfully requested.

Dated: June 17, 2008

Cooley Godward Kronish LLP
ATTN: Patent Group
777 6th Street, N.W., Suite 1100
Washington, DC 20001
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By: Adam R. Zanes (Reg. No. 60,177) For
Christopher R. Hutter
Reg. No. 41,087